

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

GEORGE P. CLEMONS,

PLAINTIFF

v.

CIVIL ACTION NO. 2:09CV116-A-A

COMMISSIONER OF SOCIAL SECURITY,

DEFENDANT

REPORT AND RECOMMENDATION

On November 19, 2009 the plaintiff filed a motion to dismiss his appeal stating “in all good conscience the attorney for the claimant cannot present this appeal because there is clearly on the face of the transcript, without even reviewing the medical evidence substantial evidence to uphold the commissioner’s decision.” The defendant has not filed any response or objection to the motion. The court has reviewed the record in this case and determined that the plaintiff’s motion should be granted. In the spirit of Abraham Lincoln, the court appreciates the counsel’s candor.¹

The court recommends that the plaintiff’s motion to dismiss be granted and this appeal be dismissed with prejudice and the case closed.

Respectfully submitted, this the 22nd of December, 2009.

/s/ S. ALLAN ALEXANDER
UNITED STATES MAGISTRATE JUDGE

¹ “In law it is a good policy to never plead what you need not, lest you oblige yourself to prove what you can not.” Letter From Abraham Lincoln to Usher Linder, February 20, 1848.